

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DENNIS SCARBERRY,)	
)	
Plaintiff,)	2:12-cv-00128-KJD-CWH
)	
vs.)	<u>SCHEDULING ORDER</u>
)	
FIDELITY MORTGAGE OF NEW YORK,)	
<i>et al.</i> ,)	
)	
Defendants.)	

This matter came is before the Court on Defendants' Proposed Discovery Plan and Scheduling Order (#27), filed April 9, 2012. Defendants propose that discovery be stayed pending the Court's decision on MERS and Wells Fargo's Motion to Dismiss and Motion to Expunge Lis Pendens. Plaintiff refused to consent to a Joint Stipulation to Stay Submission of Discovery Plan.

The Court conducted a telephonic hearing on Defendants' plan on April 26, 2012. Plaintiff failed to appear. The Court finds a stay is not warranted at this juncture and that the standard discovery dates provided by Local Rule 26-1 will be sufficient in this matter to govern discovery. Accordingly,

IT IS HEREBY ORDERED that Defendants' Proposed Discovery Plan and Scheduling Order (#27) is **denied**.

IT IS FURTHER ORDERED that the following dates shall govern discovery:

- | | |
|---|---------------------------|
| 1. Discovery cutoff | October 23, 2012 |
| 2. Motions to amend pleadings and add parties | July 25, 2012 |
| 3. Expert designations | August 24, 2012 |
| 4. Rebuttal expert designations | September 24, 2012 |
| 5. Interim status report | August 24, 2012 |

6. Dispositive motions

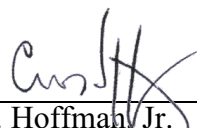
November 22, 2012

IT IS FURTHER ORDERED that any extension of the discovery deadline will not be allowed without a showing of good cause as to why all discovery was not completed within the time allotted. All motions or stipulations to extend discovery shall be received by the Court at least **twenty-one (21) days** prior to the date fixed for completion of discovery or at least **twenty-one (21) days** prior to the expiration of any extension thereof that may have been approved by the Court. The motion or stipulation shall include:

- a. A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;
- b. A specific description of the discovery which remains to be completed;
- c. The reasons why such remaining discovery was not completed within the time limit of the existing discovery deadline; and,
- d. A proposed schedule for the completion of all remaining discovery.

IT IS FURTHER ORDERED that if no dispositive motions have been filed within the time frame specified in this Order, then the parties shall file a written, joint proposed Pretrial Order by **December 26, 2012**. If dispositive motions are filed, then the parties shall file a written, joint proposed Pretrial Order within 30 days of the date the Court enters a ruling on said dispositive motions.

DATED this 30th day of April, 2012.



C.W. Hoffman, Jr.
United States Magistrate Judge